IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23280 of 2005

Between:

M/s. Sri Lakshmi Restaurant and Bar

rep by Proprietor J. Bhagavathi Rao

..... PETITIONER

AND

Commissioner of Prohibition and Excise

Andhra Pradesh, Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION NO : 23281 of 2005

Between:

M/s. Sandhya Restaurant and Bar,

Rep. by its Proprietor,

Yellanki Appa Rao,

..... PETITIONER

AND

Commissioner of Prohibition and Excise,

Andhra Pradesh, Hyderabad and 3 others

.....RESPONDENTS

WRIT PETITION NO : 23282 of 2005

Between:

M/s. Siri Bar and Restaurant,

Rep by its Proprietor, Kondeti Koteswara Rao

..... PETITIONER

AND

Commissioner of Prohibition and Excise,

A.P., Hyderabad and 3 others

.....RESPONDENTS

COMMON ORDER:

Heard the learned counsel on either side.

All these writ petitions are filed questioning the impugned show cause notices dated 03.10.2005 issued by the 1st respondent, on the ground that the show cause notices issued by the 1st respondent are illegal and arbitrary and without jurisdiction and contrary to the Andhra Pradesh Excise (Grant of License of Selling by Bar and Conditions of License) Rules, 2005 (hereinafter referred to as 'A.P.Excise Rules').

Since the same question of fact is involved in all these three writ petitions, all these three writ petitions are clubbed together and this common order is passed.

It is stated that the 1st respondent himself granted Form 2-B License (Bar) to the petitioners in respect of the premises selected by them after satisfying the relevant requirements. The said premises are situated in conformity with the Rule-6 of A.P.Excise Rules. It is further stated that the said premises are situated on the main road having plinth area of more than 100 sq.meters, but not situated in a residential area, and hence there is no misrepresentation on the part of the petitioners and there is no violation of any rule as pointed out by the 1st respondent. It is further stated that after collecting huge amounts and after conducting thorough inspection, the 1st respondent issued License and hence there is no justification on the part of the 1st

respondent in issuing the impugned notices.

The impugned notices are only the show cause notices, calling upon the petitioners to show cause as to why the licenses granted to them should not be cancelled, for the reasons mentioned in the notice.

Having regard to the facts and circumstances of the case, without entering into the merits of the case, I deem it appropriate to give a direction to the petitioners to submit their explanations to the impugned notices, on or before 05.11.2005, and on submitting their explanations, the 1st respondent may pass appropriate orders thereon, in accordance with law, after giving reasonable opportunity to the petitioners. However, it is made clear that any adverse orders passed against the petitioners, may not be given effect to, for a period of one week from the date of service of said orders on the petitioners.

With the above observations, these Writ Petitions are disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 28.10.2005

Dsr

Note:

Issue CC by 31.10.2005

B/o

Dsr